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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,227	03/23/2004	Jason Tien	3722-0187PUS1	1714
2292 7590 06/14/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CRUZ, IRIANA	
			ART UNIT 2609	PAPER NUMBER
			NOTIFICATION DATE 06/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/806,227

Applicant(s)

TIEN, JASON

Examiner

Iriana Cruz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunishige (U.S. Patent Number 6,172,704) in view of Nakamura (U.S. Publication Number 2002/0012126).

3. With respect to Claim 1 Kunishige teaches a film images preview method for a film scanner, the method utilizing a film scanner to preview images on a film held at a film holder and to display the previewed images on a job panel (Col. 1, pp.34-38 and FIG.1), the preview method comprising the steps of: scanning the images on the film by the film scanner to provide pre-scanned images (FIG.2, FIG.3 and FIG.8-11).

Kunishige also teaches a method for previewing and framing the film depending the type recognized by the film scanner. The method Kunishige discloses identifies the type of film, if the film is a 135 film it automatically frames without any procedure or adjustments done. If the film recognized is a non-135 film (which automatically includes the 120 films as part of them) then the film goes through a framing process where the frame of the image is automatically adjusted (FIG.12) and showed in a job panel or preview window (Col. 9, pp.10-15).

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Kunishige does not disclose a method for recognizing the type of the film holder by receiving information of the film holder outputted from the film scanner.

However Nakamura teaches the method of recognizing the type of the film holder by receiving information of the film holder outputted from the film scanner (Col.6, pp.30-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the framing adjustments in a preview window or job panel just for the 120 film instead of making them for any type of film cartridge after recognizing that its not a 135 film which is what Kunishige teaches and then combine it with Nakamura's method for recognizing the type of film depending on the film holder or carrier.

The motivation for the combination would be to have a system recognizing a film holder for scanning an image and in the preview window automatically frame the image correctly. This would make the framing of a film-scanned image more accurate.

4. As pertaining Claim 2, Nakamura also discloses a method according to claim 1, wherein the pre-scanned images are scanned with a lower resolution (Col.7, pp.30-34).

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunishige (U.S. Patent Number 6,172,704) in view of Hoshino et al. (U.S. Patent Number 5,933,222), and in further view of Liu et al. (U.S. Publication Number 2004/0042684), and further in view of Nakamura (U.S. Publication Number 2002/0012126).

In regards to Claim 4, Kunishige discloses a film images preview method, the method utilizing a film scanner to preview images on a film held at a film holder and to display the previewed images on a preview window (Col. 1, pp.34-38 and FIG.1), the preview method comprising the steps of: scanning the images on the film by the film scanner to provide pre-scanned images (FIG.2, FIG.3 and FIG.8-11).

Kunishige also teaches a method for previewing and framing the film depending the type recognized by the film scanner. The method Kunishige discloses identifies the type of film, if the film is a 135 film it automatically frames without any procedure or adjustments done. If the film recognized is a non-135 film (which automatically includes the 120 films and glass film as part of them) then the film goes through a framing process where the frame of the image is adjusted (FIG.12) and showed in a preview window (Col. 9, pp.10-15).

However, Kunishige does not discloses a method for recognize the film holder or carrier neither a framing positioning step with a positioning panel that provides a position function so that the user adjust the position and size of each image, according to the pre-scanned images.

Hoshino discloses a method for recognizing the type of the film holder (can include a glass holder) or film cartridge, by receiving information of the film holder outputted from the film scanner.

Liu teaches the method where the frame-positioning step displays a positioning panel (preview window) and image frames and provides a position adjusting function so that a user adjusts the position and size for each image frame according to the pre-

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scanned images in order to match the actual image size and position of the pre-scanned images (Col. 2 pp.3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the framing adjustments just for the 120 film instead of making them for any type of film cartridge or film holder after recognizing that its not a 135 film in a preview window where the pre-scanned image is shown, which is what Kunishige teaches and then combine it with Hoshino's method for recognizing the type of film depending on the film holder or carrier (where a glass holder can be found too) and Liu's preview window with options for the user to adjust the position and size of the frame for the pre-scanned images.

The motivation for the combination would be to have a system recognizing a film holder for scanning an image and in the preview window automatically frame the image correctly and giving the user the option to verify the framing and change the framing if needed to by using framing tools. This would make the framing of a film scanned image more users friendly and more accurate.

6. As pertaining to Claim 5, Nakamura discloses a method according to claim 4, wherein the pre-scanned images are scanned with a lower resolution (Col.7, pp.30-34).

In regard to Claim 6, Liu teaches a preview window for scanning, with different buttons that gives the options for the user for using the correct framing of an object or a scanned image (Col. 2, pp.3-7 and FIG2).

Allowable Subject Matter

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims:

8. The following is a statement of reasons for the indication of allowable subject matter: none of the references, either singularly or in combination, teach or fairly suggest a job panel or preview window that adjust the frame of a film scanned image depending on the unexposed gap between the preview frame and the image that is previewed. Some of the references found, showed a preview window or job panel where the user could only see the preview of the film scanned image or a preview window or job panel where the user could see and adjust the frame, but none of the references showed a preview window or a job panel where the framing adjustments were automatically calculated by the program depending on the gap distance between the frame and the film scanned image.

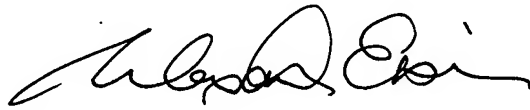
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iriana Cruz whose telephone number is (571) 270-3246. The examiner can normally be reached on Monday-friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 270-1455. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alexander Eisen', is positioned to the left of the typed name.

Alexander Eisen
SPE
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06/04/2007